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SENATE BILL 3367 By
Henry

HOUSE BILL 3369
By Pruitt

AN ACT to establish a board of civil service and pensions for the city of Berry Hill, Davidson County, Tennessee, and to provide rules and regulations for the operation thereof, and to repeal Chapter 367 of the Private Acts of 1953, and any other acts amendatory thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 367 of the Private Acts of 1953, and any other acts amendatory thereto, is repealed.

SECTION 2. (a) There is hereby created in the city of Berry Hill, Davidson County, Tennessee, and as a part of the administrative government of such municipality and body politic, a board to be known and designed as a board of civil service and pensions, to be composed of the mayor and three (3) other members.

(b) Such other members shall be bona fide residents and citizens of the city of Berry Hill, and their term of office shall be three (3) years from the date that this act goes into effect, or until their successors have been elected and qualified. Upon a vacancy by resignation, death, expiration of office, or otherwise, of any member of such board, other than the mayor, his successor shall be elected by the remaining members of such board, subject to the approval of the board of commissioners of such city.

(c) The members of such board shall receive no compensation.

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SECTION 3. Such members shall qualify as such board by severally taking and subscribing to the following oath:

I do solemnly swear that I will support the Constitution of the United States and the state of Tennessee, the laws thereof, and the ordinances of the city of Berry Hill, and that I will conduct all trials with fairness and dispatch and will faithfully perform my duties without fear or favor, so help me, God.

SECTION 4. (a) The board shall organize by electing a chair from its members, and it shall by resolution fix the term of office of its chair.

(b) The board shall hold its sittings in the city hall, at the city of Berry Hill, and shall fix the date and hour of its sessions, and regulate its procedure thereof.

(c) It shall conduct civil service and pension trials and hearings, as nearly as practicable under the rules of law and as provided in this act.

(d) It shall prescribe civil service rules and regulations, and prescribe for examination of all full-time employees of the police, public works, administrative and fire departments, except the city manager, city attorney, or city judge under its rules.

(e) Such rules shall prescribe certain requirements of physical fitness before acceptance of any person into the police, public works, administrative or fire departments.

(f) All persons employed in such departments by the city of Berry Hill at the time of the passage of this act shall be exempt from the physical examination and all future employees, shall upon passing the required physical examination, come under the provisions of this act, relating to civil service or pensions.

SECTION 5. Any civil service employee may be discharged for neglect of duty, failure to perform his duties, inefficiency, insubordination, willful absence from duty, for more than fifteen (15) days without a written leave of absence from his superior officer, drunkenness while either on or off duty, for pernicious political activities, and for such conduct as may be in violation of the rules prescribed by the board of civil service and pensions.

SECTION 6. (a) All civil service employees shall be entitled to the charge upon which they are accused and are to be tried, stating in general terms the nature of the charge and the approximate date.

(b) Such notice must be served upon the accused at least five (5) days before the date of the trial.

(c) The accused shall be entitled to the presence of his counsel, and to have his witnesses summoned and introduced, all subpoenas shall be signed by the chairman of the board and attested by the clerk, and may be served by a police officer or deputy sheriff.

(d) It shall have the power to punish by attachment for contempt committed in its presence, or refusal to obey its subpoena or obstructing its provisions; and upon conviction it may fine such offender not exceeding fifty dollars (\$50.00) and, in addition, may sentence him for ten (10) days confinement.

(e) In default of the payment of his fine, execution may issue.

(f) Such board upon conviction of any person tried by it under the civil service regulations, may expel such person, reduce him in rank, or suspend him for such time as the board may determine.

(g) The board of commissioners shall have the power to create a pension plan and fund, and when so established shall be administered by the board of civil service and pensions.

(h) The board of civil service and pensions shall have the jurisdiction to sit and determine all cases for the granting of pensions, relieving of pensions, and termination of pensions.

(i) No temporary employee or volunteer worker of any department shall come under provisions of this act, but regularly appointed full-time employees, shall be subject to both the civil service regulations and pension provisions of this act.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Berry Hill. Its approval or nonapproval shall be proclaimed by the presiding officer of the board of commissioners and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.